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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,396	11/12/2003	Sandeep Betarbet	190250-1630	6854

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EXAMINER

LAI, MICHAEL C

ART UNIT	PAPER NUMBER
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2157

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,396

Applicant(s)

BETARBET, SANDEEP

Examiner

Michael C. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/19
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

This application has no priority claim made. The filing date is 11/12/2003.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 27-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 27-39 recite the limitation of "A computer-readable medium..." that is described in lines 15-20 on page 11, and lines 5-8 on page 24 of original specification as "In the context of this document, a "computer-readable medium" can be any means that can store, communicate, propagate, or transport the program for use by or in connection with the instruction execution system, apparatus, or device. The computer readable medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, device, or propagation medium." A propagation medium includes signals. As such, the claims cover embodiments directed to signals, per se. These claims are being rejected as non-statutory as directed to a form of energy rather than a patent-eligible machine, manufacture, process or composition of matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 14 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahadiroglu (US 7,012,893 B2), hereinafter referred to as Bahadiroglu.

5. Regarding claims 1, 14 and 27, Bahadiroglu discloses a file transfer system, comprising:

an originating file transfer host [FIG. 6A, Node 12S], comprising:

a script server operable to receive a file and a script associated with the file from at least one remote terminal, interpret the script, and transfer the script and the file [FIG. 6A, C/C (Collector/Controller) and col. 28, lines 3-9: As indicated in FIG. 6A, Script File 38 is read by the Collector/Controller (C/C) 20C, which in turn generates corresponding Control Outputs 38C to the Packet Transfer Engine (PTE) 20TS or to both the Packet Transfer Engine (PTE) 20TS and the Packet Transfer Engine (PTE) 20TR, depending upon the network condition acquisition mode.]; and

an originating file transfer server operable to receive the script and the file from the script server and transfer the file to a terminating file transfer server in accordance with the script [FIG. 6A, PTE and col. 19, lines 11-19: ...the PTE will operate as data communications protocol stack mechanisms, that is and for example, as a Transmission Control Protocol/Internet Protocol ("TCP/IP") mechanism, to communicate "payload" Data Packets 16C of the optimum packet size and at the optimum inter-packet interval

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between a Data Source 22S in the Sending Node 12S and a Data Recipient 22R in the Receiving Node 12R.].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 5-6, 15, 17-18, 28, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahadiroglu as applied to claim 1 above, in view of Swartz et al. (US 6,961,778 B2), hereinafter referred to as Swartz.

8. Regarding claims 2, 15 and 28, Bahadiroglu does not disclose a Connect Direct software platform. However, Swartz discloses using "Connect:Direct" as a file transfer mechanism [col. 20, lines 11-17]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Swartz into Bahadiroglu's system so that the originating file transfer server uses a Connect Direct software platform to communicate with a terminating file transfer server. The motivation would be using an available off-the-shelf product.

9. Regarding claims 5, 17, and 30, Swartz further discloses wherein the script server receives files and scripts from said at least one remote terminal via a Java application programming interface [col. 9, lines 11-22: ... With Java, developers can create robust User Interface (UI) components...].

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10. Regarding claims 6, 18, and 31, Swartz further discloses wherein the Java application programming interface is operable to send files and scripts to a particular node of the host [col. 9, lines 23-35: ... Java supports programming for the Internet in the form of platform-independent Java applets." Java applets are small, specialized applications that comply with Sun's Java Application Programming Interface (API) allowing developers to add "interactive content" (send files and scripts) to Web documents...].

11. Claims 3-4, 7-9, 16, 19-22, 29, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahadiroglu.

12. Regarding claim 3, Bahadiroglu discloses all the subject matter as discussed in claim 1 above, except for the terminating file transfer server as the transfer point from the originating file transfer server to a receiving computer. Official Notice is taken for the transfer point, which is an intermediary and well-known in signaling technology. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the transfer point into Bahadiroglu's system and have the terminating file transfer server as the transfer point from the originating file transfer server to a receiving computer. The motivation would be flexibility and also a mirror of the originating side.

13. Regarding claims 4, 8-9, 16, 20-22, 29, 33-35 Bahadiroglu discloses all the subject matter as discussed in claim 1 above, except for the private connection bus. Official Notice is taken for the private connection bus, which allows background job(s) scheduling and invoking, thus enables the host to substantially simultaneously transfer a plurality of files in accordance with a plurality of scripts. Therefore it would have been

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obvious to one of ordinary skill in the art to incorporate the private connection bus into Bahadiroglu's system and have a private connection bus operable to transmit information (communicate) and simultaneously transfer a plurality of files in accordance with a plurality of scripts between the script server and the originating file transfer server. The motivation would be to offload the file transfer client and improve performance.

14. Regarding claims 7, 19, and 32, Bahadiroglu discloses all the subject matter as discussed in claim 1 above, except for the C language. Official Notice is taken for the C language, which is well-known for writing scripts in a UNIX or other operating system. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the C language into Bahadiroglu's system and have the script server as a C language software application on the host system. The motivation would be to take advantage of a well-known programming language.

15. Claims 10-13, 23-26, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahadiroglu as applied to claim 1 above, in view of Postel and Reynolds (RFC 959 "File Transfer Protocol (FTP)", October 1985), hereinafter referred to as Postel.

16. Regarding claims 10, 23, and 36, Bahadiroglu discloses all the subject matter as discussed in claim 1 above, except for the user identification and the home directory. However, Postel discloses the user identification [Section 4.1.1, USER NAME (USER): ...The user identification is that which is required by the server for access to its file system... Additional identification information in the form of a password and/or an

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account command may also be required by some servers...] and the home directory [Section 2.2, pathname: Pathname is defined to be the character string which must be input to a file system by a user in order to identify a file. Pathname normally contains device and/or directory names, and file name specification. FTP does not yet specify a standard pathname convention. Each user must follow the file naming conventions of the file systems involved in the transfer.]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Postel into Bahadiroglu's system so that the terminating file transfer host comprises: the terminating file transfer server operable to determine a user identification named in the script and copy the file; and a home directory associated with the user identification operable to receive the file copy from the terminating file transfer server. The motivation would be to take the advantage of the FTP.

17. Regarding claims 11, 24, and 37, Postel further discloses: an agent associated with the home directory, operable to identify a host name and a receive port of a computer associated with the home directory [Section 5.2, col. 2: The user-DTP must "listen" on the specified data port; this may be the default user port (U) or a port specified in the PORT command...].

18. Claims 12-13, 25-26, and 38-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahadiroglu as applied to claim 1 above, in view of Postel as applied to claim 11 above, and further in view of Wei et al. (US 2002/0087642 A1), hereinafter referred to as Wei.

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19. Regarding claims 12, 25, and 38, Bahadiroglu and Postel disclose all subject matter as discussed in claim 11 above, except for the Java server script. However, Wei discloses using JSP (java server script) [para. 0025, lines 23-26] as a CGI script. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Wei into Bahadiroglu's and Postel's system so that wherein the computer associated with the home directory comprises a Java server script operable to monitor for communications on the receive port. The motivation would be using off-the-shelf product to reduce development time and as a result, faster to the market.

20. Regarding claims 13, 26, and 39, Postel further discloses wherein the agent is operable to remove the file from the home directory after transferring the file to the host name and receive port of the computer associated with the home directory [Section 4.1.3, DELETE: This command causes the file specified in the pathname to be deleted at the server site.].

Remarks

21. The following pertaining arts are discovered and not used in this office action.

Office reserves the right to use these arts in later actions.

- Haff et al. (US 6,219,669 B1) File Transfer System using Dynamically Assigned Ports
- Abe et al. (US 2003/0187852 A1) File transfer system, apparatus, method and computer readable medium storing file transfer program


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michael C. Lai
11SEP2007


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